



City of  
**Rockville**  
Get Into It

**Historic District Commission Staff Report:  
Certificate of Approval  
HDC2012-00589, 303 Anderson Avenue**

**MEETING DATE:** 6/21/12

**REPORT DATE:** 6/14/12

**FROM:** Robin D. Ziek, Preservation Planner,  
Planning, CPDS  
240.314.8236  
[rziek@rockvillemd.gov](mailto:rziek@rockvillemd.gov)

**APPLICATION DESCRIPTION:** Remove four walnut trees in recently abandoned alley property.

**APPLICANT:** John and Sue Adams  
303 Anderson Avenue  
Rockville, MD 20850

**FILING DATE:** 5/30/12

**RECOMMENDATION:** Finding the application in accordance with Secretary of the Interior's Standards #2 (The historic character of a property shall be retained...), and the City's *Technical Guide # 7* (Landscaping), staff recommends approval of the application as submitted, on condition that the property ownership must be confirmed once the property transfer has been recorded.

**EXECUTIVE SUMMARY:** The applicant lives in a non-historic house located at an edge of the West Montgomery Avenue Historic District. An adjacent alley has recently been abandoned, and therefore additional land has come under HDC review. Walnut trees are not generally considered desirable landscape trees and are not included in the list of suggested landscape material noted in *Technical Guide #7*.



## Table of Contents

RECOMMENDATION .....	3
SITE DESCRIPTION .....	3
Vicinity .....	3
Site Analysis: .....	4
DISCUSSION OF THE PROPOSED PROJECT and MATERIALS .....	4
COMMUNITY OUTREACH .....	5
FINDINGS .....	5
ATTACHMENTS:	
Secretary of the Interior's Standards for Rehabilitation .....	Circle 1
Aerial Map .....	Circle 2
Zoning Map .....	Circle 3
Application .....	Circle 4-9
West End Park Section 2 .....	Circle 10
Subdivision of property associated with 100 Forest Avenue .....	Circle 11

## RECOMMENDATION

Staff finds that the proposed tree removal meets Secretary of the Interior's Standards for Rehabilitation #1, and Technical Guide #7, as the proposed work will have no material effect on the character of the West Montgomery Avenue Historic District.

## SITE DESCRIPTION

**Location:** 303 Anderson Avenue  
**Applicant:** John and Sue Adams  
**Land Use Designation:** Detached Residential (Restricted Residential)  
**Zoning District:** R-90  
**Existing Use:** Residential  
**Parcel Area:** 9,002 sf  
**Subdivision:** West End Park

### Vicinity

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	R-90	Detached, Restricted Residential	Detached, Restricted Residential
East	R-90	Detached, Restricted Residential	Detached, Restricted Residential
South	R-90	Detached, Restricted Residential	Detached, Restricted Residential
West	R-60	Detached, Residential	Detached, Residential



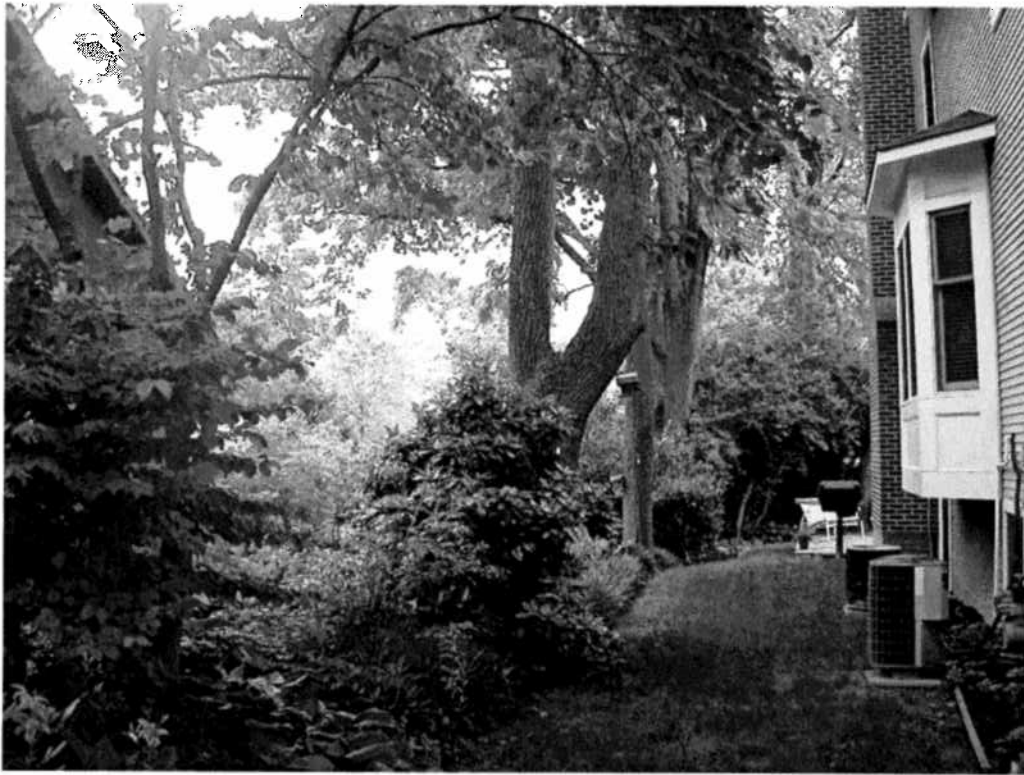
303 Anderson Avenue



Looking West on Anderson Ave. from Forest Ave.

**Site Analysis:**

The subject property is included in the West Montgomery Avenue Historic District because it was once part of the original lot associated with 100 Forest Avenue. The subject house was constructed in 1996, after a subdivision of the 100 Forest Avenue property was reviewed by the HDC and approved by the Planning Commission in 1994. The walnut trees which are proposed to be removed are located in an alley that abuts the subject property. This alley was platted in 1890 with the West End Park Section No. 2 subdivision. A petition to abandon this alley has recently been approved. When an alley is abandoned, the property is divided in half and given to the adjacent property owners. The alley in question appears to be, for the most part, a driveway associated with 401 Anderson Avenue. The remaining area that constitutes the alley between 303 and 401 Anderson Avenue is landscaped with perennials, and with a line of maple and walnut trees along the apparent west edge of the lawn for 303 Anderson.



A line of four (4) walnut trees in the alley adjacent to 303 Anderson Avenue

**DISCUSSION OF THE PROPOSED PROJECT and MATERIALS**

The applicants have recently acquired half of the adjacent alley that had been owned by the City of Rockville. The walnut trees within the alley were not planted by the City and may have been “volunteers” along a fence line. Walnut trees have commercial use, but are not generally considered a landscape tree. This is illustrated in *Technical Guide #7*, which does not include walnut trees in the suggested list of characteristic 19<sup>th</sup> century plant material. The applicant proposes to remove the four

(4) walnut trees located in the former alley in order to open up the yard to more sunlight. The trees were originally outside of the historic district, but have now come into the historic district by virtue of the alley abandonment. This will become official once the property transfer is recorded in the land records at the County Courthouse.

The subject property and the adjacent property at 301 Anderson Avenue are both new houses, constructed to be compatible with the historic district and not detract from the adjacent historic resources. While this has been successfully accomplished, the subject property is reviewed as a non-contributing, or non-historic, resource within the historic district. As such, the assessment will focus on the effects of alterations on the overall district. Staff recommends that removal of these walnut trees will have no effect on the historic character of the district for two reasons: 1) there are other trees in the immediate vicinity (maple) which provide the sense of time that mature trees provide; and 2) these walnut trees are not seen from Forest Avenue, along which are the primary historic resources in this part of the historic district.

## **COMMUNITY OUTREACH**

Posting of sign on property two weeks prior to meeting

Postcard notices sent out two weeks prior to meeting

Staff report posted on City's web site one week prior to meeting

## **FINDINGS**

Finding that the project meets Secretary of the Interior's Standards for Rehabilitation

#2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided; and

Finding that the project complies with the adopted Technical Guide #7 for Landscaping with the removal of trees which are not desirable landscape trees and are absent from the list of recommended 19<sup>th</sup> century landscape trees.

Staff recommends approval of the application as submitted, on condition that the property ownership must be confirmed once the property transfer has been recorded.

### Secretary of the Interior's Standards for Rehabilitation

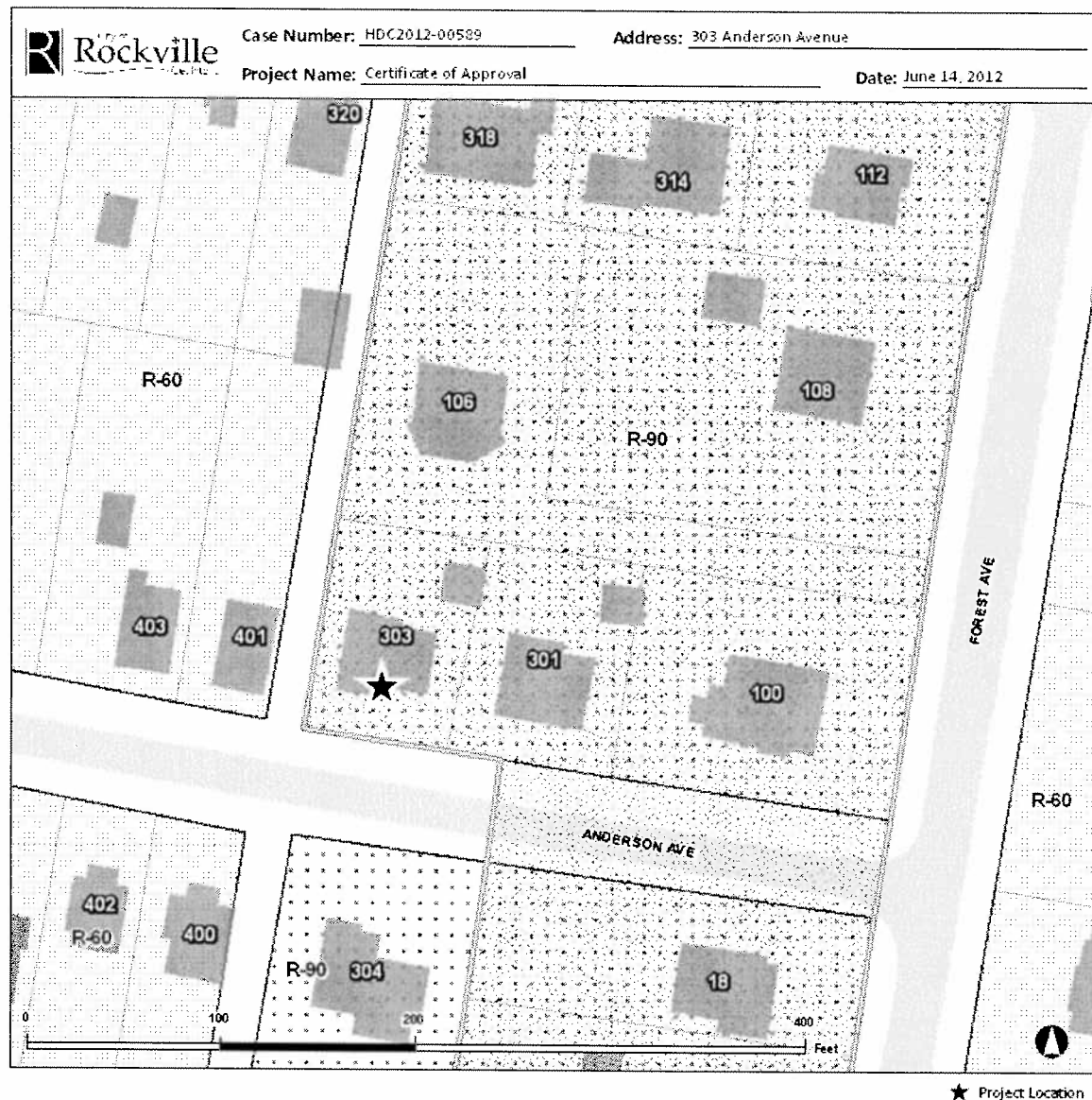
---

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. ***The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.***
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## AERIAL PHOTO



## ZONING MAP



★ Project Location

## Legend

- |  |                                     |  |
|--|-------------------------------------|--|
| R-400 - Residential Estate                                   | RMD-10 - Residential Medium Density | MXC - Mixed-Use Commercial               |
| R-200 - Suburban Residential                                 | RMD-15 - Residential Medium Density | MXCD - Mixed-Use Corridor District       |
| R-150 - Low Density Residential                              | RMD-25 - Residential Medium Density | MXE - Mixed-Use Employment               |
| R-90 - Single Unit Detached Dwelling, Restricted Residential | PD - Planned Development            | MXNC - Mixed-Use Neighborhood Commercial |
| R-75 - Single Unit Detached Dwelling, Residential            | IL - Light Industrial               | MKT - Mixed-Use Transition               |
| R-60 - Single Unit Detached Dwelling, Residential            | PARK - Park Zone                    | MXTD - Mixed-Use Transit District        |
| R-40 - Single Unit Semi-detached Dwelling, Residential       | MXB - Mixed-Use Business            | Special Exceptions                       |
| Clusters   | Historic Preservation Parcels       | Twinbrook Metro Performance District     |
| Planned Developments   | Lincoln Park Conservation Overlay   | Town Center Performance District         |





City of Rockville  
Department of Community Planning and Development Services  
Historic Preservation Office  
111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8230  
www.rockvillemd.gov/historic

# HDC

## APPLICATION FOR HISTORIC DISTRICT COMMISSION (HDC)

**PROJECT IDENTIFICATION:** Acquired "Right of Way" Tree Removal  
Application is hereby made with the Historic District Commission of Rockville for a Certificate of Approval for the property described below:

PLEASE PRINT CLEARLY OR TYPE	PROPERTY ADDRESS		
	NUMBER, STREET & ZIP <u>303 Anderson Ave Rockville, Md 20850</u>		
	SUBDIVISION <u>West End Park 234</u>	LOT <u>25</u>	BLOCK <u>5</u>
	ZONING <u>R2</u>	TAX ACCOUNT NO. <u>03062087</u>	PROPERTY SIZE (in square feet) <u>Plot # 19386</u>
APPLICANT*	FIRST <u>John + Sue</u>	MAILING ADDRESS - NUMBER, STREET, CITY, STATE, ZIP <u>303 Anderson Ave Rockville Md 20850</u>	
	LAST <u>Adams</u>	PHONE / FAX / E-MAIL <u>(301) 816-9713</u> <u>(301) 738-6878</u>	
PROPERTY OWNER	FIRST <u>John + Sue</u>	Same as above	
	LAST <u>Adams</u>	Same as above	
ARCHITECT Registration #	COMPANY <u>N/A</u>		
	LAST	FIRST	

SCOPE OF WORK		
<input type="checkbox"/> FENCE	<input checked="" type="checkbox"/> MATURE TREE REMOVAL	<input type="checkbox"/> CHIMNEY
<input type="checkbox"/> SIDING/TRIM	<input type="checkbox"/> WINDOWS/DOORS	<input type="checkbox"/> MISCELLANEOUS
<input type="checkbox"/> SIGNAGE	<input type="checkbox"/> ADDITION	<input type="checkbox"/> ORDINARY MAINTENANCE
<input type="checkbox"/> PARKING LOT	<input type="checkbox"/> ROOFING	<input type="checkbox"/> NEW CONSTRUCTION
<input type="checkbox"/> LANDSCAPING	<input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> OTHER

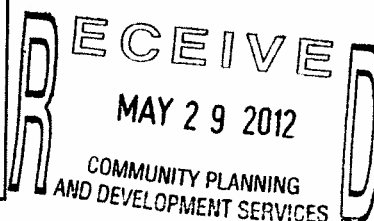
\* A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.

Description of the proposed work in brief (attach additional sheets as necessary): Please see attachments

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this permit.

TO BE COMPLETED BY STAFF	
Application #:	<u>HDC 2012-00589</u>
Public Hearing Date:	_____
Decision	<input type="checkbox"/> Approved <input type="checkbox"/> Staff Approval <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
45 Day Review Date:	_____
Staff reviewer:	_____

Signature of Applicant \_\_\_\_\_



Received by:	<u>5/30/2012 R. Zick</u>
Accepted by:	_____
Date:	<u>5/30/2012</u>

See reverse side  
Revised 3/07

(4)



# HDC

## SUBMITTAL PROCEDURES FOR HISTORIC DISTRICT COMMISSION (HDC) CERTIFICATE OF APPROVAL

Each applicant needs to be aware of the following facts about the processing of this application. After reading the following information, please sign below to acknowledge your understanding.

### 1. PRE-APPLICATION MEETING

A pre-application meeting with the historic preservation staff is recommended prior to filing all applications. Please call the preservation office at 240-314-8230 to schedule a meeting with staff.

### 2. COMPLIANCE WITH GUIDELINES

Projects must comply with the City's *Technical Guides for Exterior Alterations*, available via the Internet at [www.rockvillemd.gov/historic/tech-guides.html](http://www.rockvillemd.gov/historic/tech-guides.html) or in printed form at the Department of Community Planning and Development Services.\*

### 3. FILING LOCATION

Applications must be filed with the City of Rockville Community Planning and Development Services Department at 111 Maryland Avenue, Rockville, MD. Applications will not be accepted until they are determined to be complete by City staff. The application must be filed by the last Tuesday of the month prior to the scheduled Historic District Commission meeting.

### 4. INSPECTION OF THE PROPERTY

Members of the Historic District Commission and City staff must be given the opportunity to physically inspect the subject property to help them reach a decision on the application. This opportunity must be granted provided that reasonable notice is given for said inspection.

### 5. HEARING/MEETING APPEARANCE

Once the application is complete, staff will set a tentative date for a public hearing by the Historic District Commission. Meetings of the Commission are held on the third Thursday of the month, in the Mayor and Council Chambers at City Hall at 7:00 p.m. The applicant, or a representative designated by the applicant, should be prepared to present his/her case before the Historic District Commission. The applicant will have the opportunity to ask questions and respond to comments at the public hearing. HDC decisions may be appealed to the Circuit Court of Montgomery County.

### 6. FILING DEADLINES

Applications are due by the last Tuesday of the month preceding the regularly scheduled HDC meeting. A schedule of filing deadlines is maintained by the Planning Division.

### 7. SIGN

A sign will be posted by the City staff on the property announcing the public hearing by the Historic District Commission approximately one week prior to the meeting.

  
Applicant's Signature

5-28-12  
Date

\*In addition to the City's Technical Guides for Exterior Alterations (see #2 above), applicants may also find it useful to consult the following publications:

- The Secretary of the Interior's Standards for Rehabilitation: [www.cr.nps.gov/hps/tps/standards/rehabilitation.htm](http://www.cr.nps.gov/hps/tps/standards/rehabilitation.htm)
- The HDC's Adopted Architectural Design Guidelines: [www.rockvillemd.gov/historic/guidelines1977.htm](http://www.rockvillemd.gov/historic/guidelines1977.htm)

## Historic District Commission

We moved into our new home in May of 1996. Our lot was originally part of the back yard of the home that fronts Forest Avenue and the corner of Anderson Avenue, originally owned by Dean Brenneman, 100 Forest Avenue.

At the time of purchase, our lot did not include 6 trees, 4 of which are black walnut trees that sit on an unimproved city right of way between our property line and our neighbor's, Ida Wallenmeyer, at 401 Anderson. We now have been informed that these trees will become ours as part of the Abandonment Application 5CA 2012-00100. (Please see attachment)

While we have no plans to object "legally or otherwise" to the Abandonment proceedings, we would very much like permission to remove the four black walnut trees. These trees have been a source of safety concerns and nuisance since 1996. Not only have large branches hit our home during seasonal storms causing damage to our gutter and roof requiring repair, but the walnuts stain our outdoor patio and furniture. The walnuts also have become a real lawn care nuisance.

Consequently, upon completion of the Abandonment proceeding, presumably June 14, 2012, we would appreciate approval to remove, at our expense, the four walnut trees. Our hope is to improve this tree line with a garden and small trees. Our neighbor, Ida Wallenmeyer is in complete agreement with the tree removal proposal and has been given a copy of this request.

Your timely response would be greatly appreciated.

Moreover, we plan to utilize the newly acquired property from the "right of way" by expanding the open space as an extended garden area. We may contemplate the addition of a stone wall to replace the existing fence. However, that is a thought for the future, and we realize that there would be an application process involved for that consideration. Thank you.

*Abandonment Application*



City of  
**Rockville**  
Get Into It

111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000  
www.rockvillemd.gov

Certified Mail/ Return Receipt

To: Parties in Interest  
From: Brenda F. Bean, Acting City Clerk  
Date: March 12, 2012  
Re: Street Closing and Abandonment Application SCA 2012-00100

Please be advised that the above referenced application was filed with the City of Rockville and seeks the permanent closure and abandonment of an unimproved public right-of-way east of 401 Anderson Avenue between Anderson Avenue and Beall Avenue.

The subject right-of-way measures 15 feet wide and is comprised of 5,642 square feet (0.1295 acres). This right-of-way is covered by vegetation except for several private encroachments from the abutting properties. There are no public utilities or utility easements within the right-of-way.

The Mayor and Council of Rockville will conduct a public hearing on this application on **March 26, 2012 at 7:00 p.m.**

A copy of the site map and Notice of Hearing are enclosed for your reference. Please do not hesitate to contact me should you have any questions.

Enclosure



## NOTICE OF HEARING

Notice is hereby given that the Mayor and Council of Rockville, Maryland, will conduct a public hearing on **Monday, March 26, 2012 at 7:00 p.m.**, or as soon thereafter as it may be heard in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, in connection with Street Closing and Abandonment Application No. SCA2012-00100, Mayor and Council of Rockville, Applicant. Said application seeks the permanent closing and abandonment of an unimproved 15-foot- wide right of way adjacent to 401 Anderson Avenue between Anderson Avenue and Beall Avenue in Block 5, West End Park, recorded in Plat Book A as Plat 43.

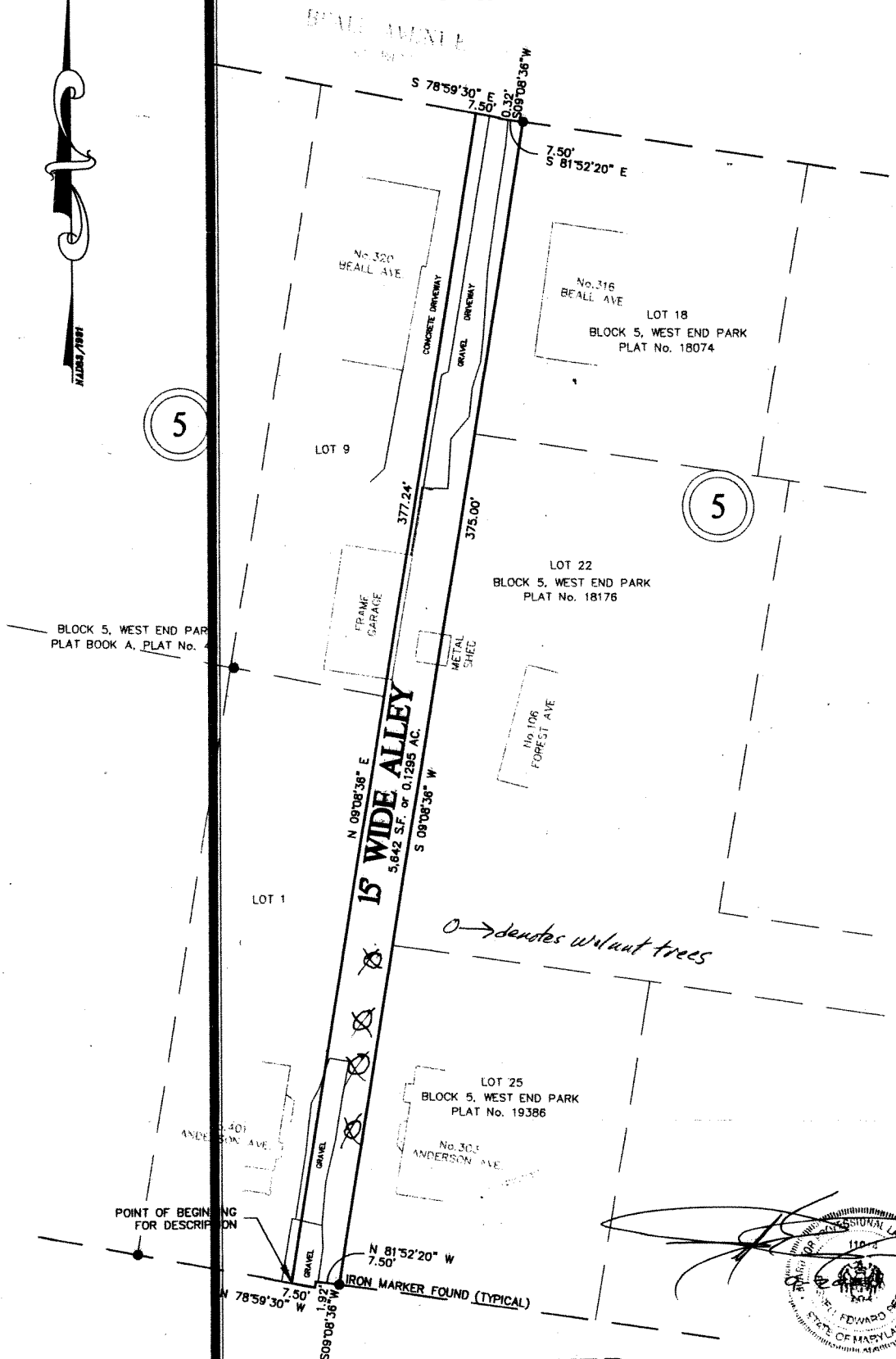
More detailed information on the above can be found on the file in the office of the City Clerk, Rockville City Hall. Anyone planning to testify at the hearing should call the City Clerk's Office at 240-314-8280 before 4:00 p.m. on the day of the hearing to place their names on the speaker's list.

MAYOR AND COUNCIL OF ROCKVILLE

By: Brenda F. Bean, Acting City Clerk/Treasurer

# EXHIBIT A

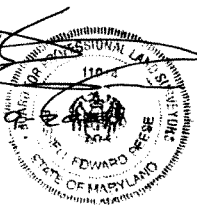
1" = 30'



RECEIVED  
SEP 22 2011

PUBLIC WORKS  
CITY OF ROCKVILLE

**MADDOX**  
Engineers & Surveyors  
100 Park Avenue, Rockville, MD 20850  
(301) 762-9001 www.maddoxinc.com

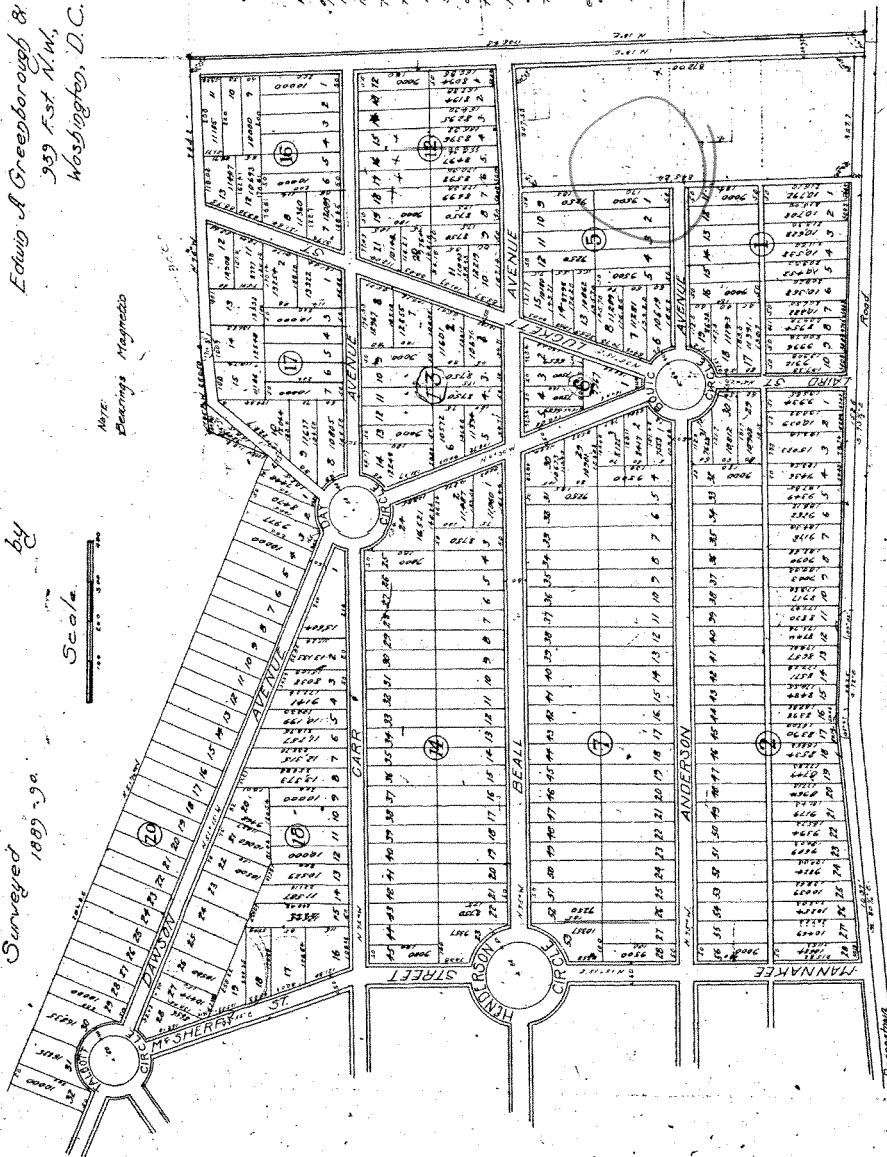


WEST END PARK  
SECTION No 2.  
ROCKVILLE, MD.

Edwin A Greenborough & Co.,  
339 East N.W.,  
Washington, D.C.

Vide Decree No. 22153 Equity  
 Vide Decree - No. 25854 Equity  
 Vide Ordanement - Lib. 12295, Folio 520  
 71514

State of Maryland  
Montgomery County / 35.  
Henry M. Clegg, hereby enters  
record the accompanying instrument  
of the Sale which is Academy farm  
in and adjoining the town of Fitchville  
in said County and State, and do grant  
to the several purchasers of lots  
therein their heirs and assigns, the  
right of way over the several narrow  
streets, alleys and walks thereon laid  
out, but I have expressly retained  
thereof I retain the fee in and per-  
petrations over the said narrow  
streets, alleys and walks subject  
to the right of way granted.  
Witness my hand and seal this  
eighteenth day of February 1897.  
Henry M. Clegg. (Seal)  
Wm. S. Randall



Pursuant to Sec 4063, Chapter 38, Acts of the  
 General Assembly of Maryland, bearing date 1790, I  
 certify that this post is equal to 190 copies of the  
 Light Books of Maryland, in the year of which it is  
 supposed to be a copy.

Wm Ernest Offutt,  
 Comdr Surgeon for Maryland, Comdr

